Secrl. II-87—60,000—27-10-41.

Home (194) Department.

MS SERIES.

G.O. No. 4319

Dated 25-11-42

[Despatch Abstract.]

Prisoners - Classification - K. Ramachandram Gupta - [redacted] on the file of the Sub Divisional Magistrate, Bellary - 'B' Class [redacted] mendation - Accepted.

Original in another file

GOVERNMENT OF MADRAS.
Home Department.
Memorandum No. 11776 D-1, dated the 26th October 1942.

Prisoners - D.O.I. Rules - Classification -
Reference: G.O. No. 1133, Law (General), dated 15.3.30. Circular issued

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The District Magistrate, Bellary is requested to state when proposals for the confirmation or review of the provisional classification of the following prisoner convicted and sentenced by the court noted against each may be expected by the Government:-

Name.	Convicting Court and Case No.	Class.
K.Ramachandra Gupta	S.D.M., Bellary - C.C.111/42	B.

C.T. Mudaliyar,
Joint Secretary to Government.

To the District Magistrate, Bellary.

(True copy)

From

I.M.Fraser Esq.,I.C.S.,

District Magistrate,

Bellary.

To

The Secretary to Government,

Home Department,

D1 13338/ 20.11.42

JOINT SECRETARY 18 NOV 1942 HOME DEPARTMENT

UNDER SECRETARY TO GOVERNMENT 18 NOV 1942 HOME DEPT

Ref.c.No.1055/39E1 Dated 14th November 42.

Sir

Sub: Political Agitation-Civil Disobedience Movement-(Bellary)-Bellary division-Classification of prisoner,Ramachandragupta, K.-Accused in C.C.111/42 on the file of the Sub Divisional Magistrate,BLRY.-Proposal submitted.

ASSISTANT GOVERNMENT 20 NOV 1942 HOME DEPARTMENT

Ref: Government Memorandum No.11776 D,1,Home dated 26-10-42.

Sri K.Ramachandragupta of Kurugodu village in the Bellary Taluk was convicted by the Sub Divisional Magistrate,Bellary,under Rule 38(5) of the Defence of India Rules and Section 188 I.P.C. for doing a prejudicial Act by distributing pamphlets called "General instructions by All India Congress Committee" and gathering people to address a meeting and thus disobeying the orders issued by the Sub Divisional Magistrate under Section Section 144 Cr.P.C. He was sentenced to suffer rigorous imprisonment for eighteen months under Rule 38(5) read with Rules 34(6) (c) and Rule 38(1) of the Defence of India Rules and simple imprisonment for one month under Section 188 I.P.C., the sentences to run concurrently. He was placed in 'B' class, as he is a landlord

paying an assessment of over one thousand rupees to Government apart from Income-Tax.

2. The Sub Divisional Magistrate reports that the prisoner owns about 1000 acres of land, that he is worth about 1,00,000/- and that he is a vaisya obtaining an annual income of Rs 3000/- Moreover, the offences committed do not seem to involve elements of cruelty, as no violence was used. In view of his social status and habits of life, I agree with the Sub Divisional Magistrate and recommend that the -- Government may be pleased to confirm the classification of the prisoner in the 'B' class.

A copy of the judgment in the case is enclosed.

745-7 mtss

District Magistrate

Encl:One.

In the Court of the Sub Divisional 1st Class Magistrate, Bellary.

Present:- Md. Mohiuddin Khan Sahib Bahadur, B.A.,

C.C.No.111/42.

Judgment.

The Circle Inspector of Police, Siruguppa has charge sheeted Sri.K. Ramachandra Guptha son of Venkatappa Chetti of Kurugodu with having on 10-9-42 found to be doing a prejudicial act by distributing pamphlets called "General Instructions ~~to~~ by All India Congress Committee." inciting people not to acknowledge any authority etc. and gathering people to address a meeting disobeying the orders under Section 144 Cr.P.C. duly promalgated by this Court prohibiting all meetings and processions in furtherance of the Civil Disobedience movement, offences punishable under Rule 38 (5) read with Rules 34 (6) (c) and 38 (1) of the Defence of India Rules and Section 188 I.P.C.

Two witnesses were examined on behalf of the prosecution. P.W.1 is the Circle Inspector of Police Siruguppa. On information that the accused who is a member of the Congress Committee and a general Secretary of the District Congress Committee, intended to convene a meeting, in order to disobey the orders of this Court under Section 144 Cr.P.C. prohibiting all meetings and processions by the Civil Disobedience movement, and to do some prejudicial acts, he was at Kurugodu with some Police Constables. The accused came out of the house and through a lane to the Main street distributing the pamphlets called "The general instructions by All India Congress Committee." One was given to one Cosigi Narasappa by the accused, which he seized. This is exhibit 'A'. He also seized the other copies available with the accused and arrested him at 10/20 A.M. When he searched his house he found the books and pamphlets exhibits B to B-8 which he also seized. The accused had about 50 persons following him. The search of the accused revealed a copy of instructions issued to the District Congress Committees. This is exhibit C. Another pamphlet "Message to the Country by Mahatma Gandhi" was also found. This is exhibit C-1. He then brought the accused to Bellary and laid a charge sheet before this Court. P.W.2 is a clerk of this Court. He files an order under Section

6

144 Cr.P.C. dated 2-9-42 (Exhibit 'D') prohibiting meetings and processions Congress Committees and the Civil Disobedience movements for a period of 2 months from the date of this order.

The accused has nothing to state. To charges framed against him under Rule 38 (5) read with Rules 34 (6) (c) and Rule 38 (1)(a) of the Defence of India Rules and Section 188 I.P.C. the accused does not recognise this Court. He waives the privilege to further cross-examine the PWs & does not desire to examine any D.Ws.

From the evidence on record it is quite clear that the accused has committed a prejudicial Act by distributing the pamphlets called "General instructions issued by All India Congress Committee" instructing people to acknowledge no authority, to strike school and colleges etc., He has also clearly disobeyed the order under Section 144 Cr.P.C. duly promulgated by this Court by coming out in a procession to address a meeting. I therefore find the accused guilty under Rule 38 (5) read with Rules 34 (6) (c) and 38 (1)(a) of the Defence of India Rules and Section 188 I.P.C. and convict him. I sentence him to undergo Rigorous Imprisonment for a period of 18 months under Rule 38 (5) Read with Rules 34 (6) (c) and Rule 38 (1) of the Defence of India Rules, and S.I for a period of one month under Section 188 I.P.C. the sentences to run concurrently. He is placed in 'B' Class as he is a land-lord paying an assessment of over one thousand rupees to Government and is also paying incometax.

Pronounced in open Court.

(Sd.) Md. Mohiuddin Khan
Dated 10th August 1942.
Sub Divisional 1st Class Magistrate.

Md Moiddin 10/8/42
Sub Divisional 1st Class Magistrate.

C.B.R./10.9.

7

List of witnesses for.

Prosecution.	Defence.
1. Mr. B. Hussain Peer Sahib.	Nil.
2. P. Seshagiri Rao.	

Exhibits.

A. A copy of General instructions by all India Congress Committee
B. A book "53rd Indian National Congress."
B.1. " Young India by Gandi.
B-2. " on Khaddar.
B.3 " "Gandhisum or the right Royal Road to Happiness"
B.4. " "Vidhayaka Karya Krama".
5. Pamphlet "in Kanarese "Resolution passed by the working Committee Bardoli" .
6. The inner life.
7. A letter pad.
8. Information Bulletin Nos.24 and 25 dated 11-3-42 from Karnataga Provincial Congress Committee Dharwar.

C. A copy of the instructions issued to the District Congress Committee.
C-1. Message to the Country by Mahatma Gandhi just before his arrest.

D. A copy of the orders issued under section 144 Cr.P.C.

C.F. 16.

13/26/11
Date.

DRAFT FOR APPROVAL

Initials.

When received for fair copying ..		12/26/11
When copied ..		
When examined ..		
When signed ..		
When despatched.		

ASSISTANT SECRETARY TO GOVERNMENT — Supdt. 28 NOV 1942 — HOME DEPARTMENT

Prisoners' Remission - K. Rama-Chandra Gupta - C.C. 111/42 on the file of the S.D.M. Bellary - 'B' Class - Recommendation - Accepted.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

1) 3-4-42 C No. 1333 x D From the D.M. Bellary Rep. C No. 21/55/1942 dated 14.11. 1942

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

Order Ms. Resolution Bdn. No. 4379, dated 25.11.1942

Ex 8 vide

p 4 c E

SECRETARY TO GOVERNMENT — 23 NOV 1942 — HOME DEPT.

R/5/42

D/pd D 27.11.42

The recommendation that K. Ramachandra Gupta convicted in C.C. No 111/42 on the file of the S.D.M. Bellary, may be placed in 'B' class is accepted.

To

The D.M. Bellary

" Supdt. Anantapuram Jail, Bellary

" J.C. 7 Prisoners with ref. 3 rd letter No 21/55/42 d. 16.11.42.

21.11.42 — 21/11/42 — 27/11/42

JOINT SECRETARY — 28 NOV 1942 — HOME DEPARTMENT

NB. For particulars regarding the Soci. Statistics of the prisoners please see para on p 4 c E.

Tue 24/11/42

B. 21.11.42. — 21/11/42 — 27/11/42

Ag

Proof